

53B-8c-101. Title.

This chapter is known as the "Police Officer's and Firefighter's Survivor Tuition Act."

Enacted by Chapter 333, 1997 General Session

53B-8c-102. Definitions.

As used in this chapter:

- (1) "Child" means an individual who:
 - (a) is a natural or adopted child of a deceased peace officer or deceased firefighter; and
 - (b) was under the age of 25 at the time of the peace officer's or firefighter's death.
- (2) "Department" means the Department of Public Safety.
- (3) "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.
- (4) "Line of duty" means an action that a peace officer or firefighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including a social, ceremonial, or athletic function that the peace officer or firefighter is assigned to or compensated for by the public agency being served.
- (5) "Occupational disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the peace officer's or firefighter's occupation.
- (6) "State institution of higher education" means those institutions designated in Section 53B-1-102.
- (7) "Traumatic injury" means a wound or the condition of the body caused by external force, including an injury inflicted by bullet, explosive, sharp instrument, blunt object, or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but excluding an occupational disease.
- (8) "Tuition" means tuition at the rate charged for residents of the state.
- (9) (a) "Utah firefighter" or "firefighter" means a member, including volunteer members and members paid on call, of a fire department or other organization that provides fire suppression and other fire-related services, of a political subdivision who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires.
 - (b) "Utah firefighter" or "firefighter" does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.
- (10) "Utah peace officer" or "peace officer" means an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

Amended by Chapter 282, 1998 General Session

53B-8c-103. Tuition waivers for surviving spouses and children of police officers and firefighters killed in the line of duty -- Qualifications -- Limitations.

(1) Beginning in the 1997-98 academic year, and subject to the limitations in Subsections (2), (3), and (4) of this section, a state institution of higher education shall waive tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has been killed or is killed in the line of duty if the individual meets the following requirements:

(a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

(b) is a resident student of the state as determined under Section 53B-8-102;

(c) applies to the department for a waiver of tuition under this chapter and provides evidence satisfactory to the department that:

(i) the applicant is the surviving spouse or child of a peace officer or firefighter who was killed in the line of duty;

(ii) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of Subsection (2); and

(iii) the applicant meets the other requirements of this section;

(d) for a child of a peace officer or firefighter killed in the line of duty, applies under Subsection (1)(c) for the first time before the age of 25;

(e) is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses, with the understanding that if the applicant's family income, excluding any income from death benefits attributable to the peace officer's or firefighter's death, is below 400% of the poverty level under federal poverty guidelines, income from any death benefits accruing to the applicant as a result of the death may not be counted as family income in determining financial need under this Subsection (1)(e);

(f) maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

(g) has not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits or 180 quarter credits at an institution of higher education.

(2) A child or surviving spouse of a peace officer or firefighter who was killed in the line of duty is eligible for a tuition waiver under this section of not more than nine semesters or the equivalent number of quarters.

(3) Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available for a waiver under this chapter.

(4) An institution of higher education shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.

Amended by Chapter 282, 1998 General Session

53B-8c-104. Notice of tuition waiver approval -- Annual appropriation.

(1) Upon receiving an application under Subsection 53B-8c-103(1)(c), the department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of Section 53B-8c-103 and, if so, shall approve the application and notify the higher education institution that the application has been approved.

(2) The department shall provide the necessary forms and applications and cooperate with the state's institutions of higher education in developing efficient procedures for the implementation of this chapter.

(3) The department shall annually report to the Legislature's Higher Education Appropriations Subcommittee on the number of individuals for whom tuition has been waived at each institution and the total amounts paid under this chapter for the fiscal year.

(4) The Legislature may annually appropriate the funds necessary to implement this chapter, including money to offset the tuition waivers at each institution.

Enacted by Chapter 333, 1997 General Session